

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 21-16

TO LEVY ASSESSMENTS FOR THE UNPAID COSTS OF PRIVATE LEAD SERVICE LINE REPLACEMENTS IN ACCORDANCE WITH THE ASSESSMENT AGREEMENT BETWEEN THE CITY OF CHEVIOT AND THE CITY OF CINCINNATI THROUGH THE GREATER CINCINNATI WATER WORKS' LEAD SERVICE LINE REPLACEMENT PROGRAM; AND TO DECLARE AN EMERGENCY.

WHEREAS, the City of Cheviot entered into an Assessment Agreement with the City of Cincinnati, on behalf of Greater Cincinnati Water Works ("GCWW"), effective February 11, 2020 and as authorized by Ordinance No. 20-02 passed on January 21, 2020, to assist property owners in financing the cost of private lead service line replacement to reduce the risk of lead in water; and

WHEREAS, the owners of the properties ("the Assessed Properties") listed on Exhibit "1," which is attached hereto and incorporated herein, entered into contracts for GCWW to perform the replacement work, bill the property owner for the owner's share of the resulting costs, and assess to the property for the repayment over a number of years for any portion of the owner's share of costs that is unpaid following that bill due date; and

WHEREAS, the owners of the Assessed Properties listed in Exhibit "1" were either notified by GCWW that their private lead service lines were required to be replaced pursuant to GCWW's Rules and Regulations and Chapter 729 of the Ohio Revised Code, or the owners provided a voluntary written waiver of such notice; and

WHEREAS, GCWW has completed private lead service line replacements at the Assessed Properties listed on Exhibit "1;" the property owners have been billed for their share of the costs; and the due date for the payment has passed; and

WHEREAS, following the due date of the bill, pursuant to the GCWW owner contracts, GCWW Rules and Regulations, and the Assessment Agreement, any unpaid portion of the owner's share of costs shall be assessed against the property to be collected by the County Treasurer in the same manner as real estate taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, TWO-THIRDS OF ALL MEMBERS THEREOF CONCURRING, THAT:

Section 1. In accordance with the Assessment Agreement, Chapter 729 of the Ohio Revised Code, and the contracts between the property owners and GCWW, the unpaid costs of the private lead service line replacement incurred by GCWW are hereby levied as assessments in the amounts stated and upon the real property described in Exhibit "1" for payment in semi-annual installments for the length of the assessment period indicated on Exhibit "1."

Section 2. The assessments listed in Exhibit "1" shall be certified by the City of Cheviot Clerk of Council to the Hamilton County Auditor for collection as other taxes and assessments are collected.

Section 3. For each of the Assessed Properties, GCWW has either provided written notice of the requirement to replace the private lead service line on the property to the property owner

pursuant to Chapter 729 of the Ohio Revised Code or obtained a voluntary written waiver of service of such notice from the property owner; GCWW has completed the lead pipe replacement work on the property; GCWW has billed the property owner for their share of the replacement cost; and the due date on the bills for each of the listed properties has passed.

Section 4. Any amount received as a result of the assessments levied herein shall be remitted by the City of Cheviot to the City of Cincinnati, pursuant to the terms of the Assessment Agreement

Section 5. This ordinance shall be an emergency measure for the health, safety, and welfare of the citizens of Cheviot and shall take effect immediately. The emergency is necessary in order to immediately authorize the Clerk of Council to certify the assessments by the Hamilton County Auditor's September 30, 2021 deadline for placing amounts on the tax rolls for the next year.

Kerry Smyth
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
Clerk of Council

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) _____, 2021, and
- 2) _____, 2021.

Jenny M. Eilermann
Clerk of Council

AFFIDAVIT

STATE OF OHIO)
)
COUNTY OF HAMILTON) **ss:**

Re: Certification of Lead Service Line Replacement costs (CMC 401-133 and -135 and ORC 729.06)

Now comes Leslie Moening and after being duly cautioned and sworn, states that the following is true and based upon her own knowledge and belief:

1. I am employed by the City of Cincinnati and serve in the position of Lead Program Manager of the Greater Cincinnati Water Works (GCWW) of the City of Cincinnati.
2. Pursuant to the *Agreement* between Cincinnati and the City of Cheviot ("Cheviot") dated December 28, 2010 and the *Assessment Agreement* between Cheviot and the Cincinnati effective February 11, 2020 (collectively, the "Agreements"), and Cincinnati Municipal Code (CMC) sections 401-133 and -135, Cincinnati, through GCWW, has the authority to notify property owners in the City of Cheviot in writing of the requirement to replace the private lead service line.
3. Exhibit A, attached hereto and incorporated herein by reference, contains a list of properties and their owners who were either served with notices to replace their private Lead Service Line or who waived such notice and who executed agreements with GCWW to replace the private lead service line on the property and for owner to pay its share of costs incurred by GCWW.
4. Pursuant to the Agreements and CMC 401-135, GCWW has completed the lead service line replacement work on the properties listed in Exhibit A (the "List") and billed the property owner for their share of the replacement costs. The due date on the bills for each of the listed properties has passed.
5. The Agreements provide that Cheviot shall certify any unpaid amounts on the List to the Hamilton County Auditor to be placed as a charge on the tax list and duplicate for the listed property.
6. I hereby certify the amounts and information listed on Exhibit A and request that Cheviot certify the listed assessments to the Hamilton County Auditor for placement upon the tax list and duplicate.

FURTHER, AFFIANT SAITH NAUGHT.

Leslie Moening

LESLIE MOENING,

Sworn to before me and in my presence this 18th day of August, 2021.

Daniel J. Schlueter

Notary Public, State of Ohio



Daniel J. Schlueter, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

